

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TIMOTHY REIF and DAVID FRAENKEL, as Co-Trustees of the LEON FISCHER TRUST FOR THE LIFE AND WORK OF FRITZ GRUNBAUM and MILOS VAVRA,

*Plaintiffs,*

-against -

REPUBLIC OF AUSTRIA, a foreign state, and the ALBERTINA MUSEUM, an agency of the REPUBLIC OF AUSTRIA, and LEOPOLD MUSEUM PRIVATE FOUNDATION, a foundation owned and controlled by the REPUBLIC OF AUSTRIA,

*Defendants.*

Case No. 1:22-cv-10625

[related case nos. 23-cv-02108;  
23-cv-02443]

**[PROPOSED] ORDER**

Upon the September 26, 2023 letter application of Raymond J. Dowd seeking a pre-motion conference to request leave for Plaintiffs to move to amend the Complaint dated December 15, 2022, and upon the parties having appeared for a telephone conference before the Court on October 4, 2023 to discuss the application and related issues, it is hereby

**ORDERED** that Plaintiffs are granted leave to amend the Complaint and shall file their Amended Complaint by seven days from entry of this Order; and it is further

**ORDERED** that the pending motion by defendant Leopold Museum Private Foundation (“Leopold Museum”) to dismiss the Complaint [ECF Doc 36 et seq.] is dismissed without prejudice to renew; and it is further

**ORDERED** that co-defendants Republic of Austria and the Albertina Museum need not answer, move or otherwise respond to Plaintiffs’ existing Complaint; and it is further

**ORDERED** that the time for defendants Leopold Museum, Republic of Austria and the

Albertina Museum to answer, move, or otherwise respond to Plaintiffs' anticipated Amended Complaint is hereby stayed <sup>until</sup> 45 days after Plaintiffs have filed a certificate with the Court that all defendants have been served with the Amended Complaint, with proof thereof; and it is further

**ORDERED** that in the event any defendant moves to dismiss this action, Plaintiffs shall have thirty (30) days after filing of such motion(s) to file any response, and defendant(s) shall have fourteen (14) days from filing of the response to file any reply (replies); and it is further

**ORDERED** that Plaintiffs shall continue to advise the Court on the status of serving process on Albertina Museum, in accordance with the Court's April 17, 2023 Order [ECF Doc. 23]; and it is further

**ORDERED** that if service of process upon the Albertina Museum has not been effected within six months of entry of this Order, Plaintiff may seek to sever the claims against the Albertina from the claims against the Republic of Austria and/or the Leopold Museum.

Dated: 10/6/23  
New York, New York

  
HONORABLE JOHN G. KOELTL